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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/903,898	07/31/97	ANDERSON	E F127/JAS-737

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EXAMINER

MARTIN, A

ART UNIT

PAPER NUMBER

2712

3

DATE MAILED: 10/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/903,898</b>	Applicant(s) <b>Anderson, E. C.</b>
	Examiner <b>Andrew Martin</b>	Group Art Unit <b>2712</b>

Responsive to communication(s) filed on Jul 31, 1997

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-33 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-25 and 27-33 dependent on claim 16 recites the limitation "the system". There is insufficient antecedent basis for this limitation in claim 16. For purposes of examination, claims 19-25 and 27-33 will be treated as if it depends on claim 18.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1- 3, 5, 11-12, 16-20, 22, and 31-32 are rejected under 35 U.S.C. 102(b) as being obvious in view of Uekane et al.

Uekane shows a camera providing an image in the same orientation as the orientation of the display (Figure 12). Uekane then shows a camera providing an image in 180 degree rotation with respect to the orientation of the display (Figure 14). Uekane's image capture unit detects if the camera is in normal mode. Normal mode encompassing the image orientation having the same orientation as the display orientation. Uekane image capture unit also detects if the camera is in a

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self-image picture taking mode. Self-image picture taking mode encompassing the image orientation having a 180 degree rotation with respect to the orientation of the display (column 1, lines 45-56). Uekane discloses the image capture and display unit detecting the orientation of the image and the orientation of the display; then displays the image in the orientation of the display as disclosed by applicant's **claims 1 and 2**.

Uekane discloses a image orientation in a landscape orientation as disclosed in **claim 3** (Figure 12) and a display orientation parallel to the earth as disclosed in **claim 5** (Figure 12).

Uekane discloses a graphic, icon, or text in a first orientation (Figure 12, Element 19-21) as disclosed in applicant's **claims 11, 12, and 16**. Uekane also discloses a graphic, icon, or text in a second orientation (Figure 13, Elements 19-21) as disclosed in applicant's **claim 17**.

**Claims 18 and 19** are rejected as discussed in claims 1 and 2.

**Claim 20** is rejected as discussed in claim 3.

**Claim 22** is rejected as discussed in claim 5.

**Claims 31 and 32** is rejected as discussed in claims 11 and 12.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 4, 6-10, 14-15, 21, and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uekane in view of Parulski.

With respect to **claims 4 and 6**, Uekane discloses a method for viewing an image when the orientation of the image is 180 degrees different from the orientation of the display as discussed in claim 1. However, Uekane does not disclose displaying an image when the image is in a portrait orientation or 90 degrees with respect to the display. Parulski does disclose displaying an image when the image is in a portrait orientation (column 3, lines 46-58). Improved functionality of the display would have been a desirable feature in the image capture apparatus of Uekane and Parulski recognizes the improved use of display screen area and easy in not requiring the display to be mechanically rotated when viewing the image (column 1, lines 34-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the image orientation being a portfolio with the imaging apparatus.

Parulski discloses resizing the image as disclosed in applicant's **claim 7** (column 4, lines 47-48). See also the discussion of claims 1 and 4.

Parulski discloses cropping the image as disclosed in applicant's **claim 8** (column 4, lines 47-48 and Figure 6). See also the discussion of claims 1 and 4.

Parulski discloses storing related image data in a manner to allow the image to be in the proper orientation as disclosed in applicant's **claims 9 and 14** (column 1, lines 63-70). See also the discussion of claims 1 and 4.

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Parulski discloses borders between the edge of the screen and the edge of the image as disclosed in applicant's **claim 10** (column 9, lines 28-33 and Figure 7, Element 101). See also the discussion of claims 1 and 4.

Parulski discloses image related data stored in a first buffer (Figure 4, Element 40) and image related data also stored in a second buffer (Figure 4, Element 50) as claimed in applicant's **claim 15**. See also the discussion in claims 1 and 14.

Parulski discloses an image control device to read the orientation of the image control data and properly display the image with regards to the control data (column 1, lines 63-70) as claimed in applicant's **claim 24**.

**Claims 21 and 23** are rejected as discussed in claims 4 and 6.

**Claims 25 and 29** are rejected as discussed in claims 9 and 14.

**Claim 26** is rejected as discussed in claim 15.

**Claim 27** is rejected as discussed in claim 7.

**Claim 28** is rejected as discussed in claim 8.

**Claim 30** is rejected as discussed in claim 10.

7. Claims 13 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uekane in view of Nakano et al.

With respect to **claim 13**, Uekane discloses a method for viewing an image when the orientation of the image is 180 degrees different from the orientation of the display as discussed in claim 1. However, Uekane does not disclose a directional icon displayed on the display. Nakano

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does disclose displaying select icons according to the orientation when the camera is capturing a image. This allows the user to identify the orientation in which the image is being captured by the icon displayed (Figure 8, Elements 80, 82, and 84 and column 4, lines 12-27). Improved readability of the image displayed would have been a desirable feature in the image capturing apparatus of Uekane and Nakano recognizes the improved user-friendliness when reading the image. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a directional icon displayed with the image.

**Claim 33** is rejected as discussed in claim 13..

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamura discloses a means of grouping portfolio and horizontal images.

Petruchik et al. discloses an image processing means to rotate, crop, and resize images.

Fullam discloses an orientation sensor to detect the orientation of the camera.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051,(for formal communications intended for entry)

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**Or:**

(703) 308-5399 (for informal or draft communications, please label  
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, Virginia. Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Martin whose telephone number is (703) 305-0411. The examiner can normally be reached on Monday-Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Wendy Garber can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*adm*  
ADM 10/10/98

  
Wendy Garber  
Supervisory Patent Examiner  
Technology Center 2700